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7 EDMUND G. BROWN, JR.

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13 Attorneys for Defendants

14 California Department of Corrections and Rehabilitation, Teresa Schwartz, Joseph McGrath,  
David Skerik, Mario Ortiz and Dwight Winslow

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 MARTHA BERNDT, MARTA HASTINGS,  
19 JUDY LONGO LINDA SCOTT, SOPHIA  
CURRY, SHELLY ADCOCK, PATRICIA  
20 MOREIRA and KAREN CURRIE,  
individually and on behalf of all persons  
21 similarly situated,

22 Plaintiffs,

23 v.

24 CALIFORNIA DEPARTMENT OF  
CORRECTIONS, ROBERT AYERS, JR.,  
25 TERESA SCHWARTZ, JOSEPH D.  
SKERIK, MARIO ORTIZ AND DWIGHT  
WINSLOW, in their individual capacities,

26 Defendants.

CASE NO. C 03-3174 TEH

**STIPULATION TO THE  
DISMISSAL OF PARTIES  
AND ALLEGATIONS**

Judge: Hon. Thelton E.  
Henderson

Hearing: None set.

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28 ///

1 WHEREAS, Plaintiff Linda Scott (Sutter) has notified counsel and the Court that she  
2 no longer wishes to act as a named plaintiff or a class representative in the above action;

3 WHEREAS, the only claims involving defendant Mario Ortiz arise from the  
4 allegations of the Fourth Amended Complaint specific to Linda Scott (Sutter);

5 THEREFORE, plaintiffs and defendants agree through their respective counsel and  
6 stipulate as follows:

7 1. Plaintiff Linda Scott (Sutter) is dismissed as a party plaintiff and class  
8 representative in this matter.

9 2. Defendant Mario Ortiz is dismissed as a party defendant in this matter:

10 3. Paragraphs 5, 14, 23, 25, and 72 of the Fourth Amended Complaint are struck, as  
11 are the allegations of paragraphs 53, 63, 67, and 69 of the Fourth Amended Complaint as they  
12 relate to defendant Ortiz and any claims of Linda Scott (Sutter).

13 4. The parties will bear their own costs, with the exception of \$1,645.64 due to  
14 defendants resulting from the cancellation of the deposition of Linda Sutter scheduled for  
15 March 30, 2007. This amount will be payable within 90 days of the entry of the order of  
16 dismissal.

17 **IT IS SO STIPULATED.**

18 DATED: March 24, 2008

PRICE AND ASSOCIATES

19  
20 PAMELA Y. PRICE, Attorney for Plaintiffs  
MARTHA BERNDT, et al.

21  
22 JOHN L. BURRIS  
Attorney for Plaintiffs MARTHA BERNDT, et  
23 al.

24 /s/  
CHARLES STEPHEN RALSTON, Attorney for  
25 Plaintiffs MARTHA BERNDT, et al.

26 DATED: March 24, 2008

27 /s/  
LINDA SUTTER  
Plaintiff

28 ///

1 DATED: March 24, 2008

EDMUND G. BROWN, JR.  
Attorney General of the State of California  
KATHRYN ALLEN  
Deputy Attorney General

4 /s/

5 LYN HARLAN

6 Deputy Attorney General  
7 Attorneys for Defendants  
8 CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION, et  
al.

9 IT IS FURTHER ORDERED that the case management  
conference set for March 31, 2008, is VACATED.

10 IT IS SO ORDERED.

11  
12 DATED: 03/24, 2008

